

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 3561

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DATE
03/19/2018

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Introduction and first reading
Referred to Transportation Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to transportation; modifying certain bicycle traffic regulations, powers,
1.3 and duties; modifying certain Department of Transportation powers and duties
1.4 related to bikeways and state bicycle routes; broadening active transportation
1.5 program eligibility; amending Minnesota Statutes 2016, sections 169.011,
1.6 subdivisions 5, 9; 169.18, subdivision 3; 169.222, subdivisions 1, 4; Minnesota
1.7 Statutes 2017 Supplement, sections 160.02, subdivision 1a; 160.262, subdivisions
1.8 1, 3; 160.266, subdivisions 3, 5; 174.38, subdivision 5.

1.9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.10 **ARTICLE 1**

1.11 **BICYCLE TRAFFIC REGULATIONS**

1.12 Section 1. Minnesota Statutes 2017 Supplement, section 160.02, subdivision 1a, is amended
1.13 to read:

1.14 Subd. 1a. **Bikeway.** "~~Bikeway~~" ~~means a bicycle lane, bicycle path, shared use path,~~
1.15 ~~bicycle route, or similar bicycle facility, regardless of whether designed for the exclusive~~
1.16 ~~use of bicycles or for shared use with other transportation modes~~ has the meaning given in
1.17 section 169.011, subdivision 9.

1.18 Sec. 2. Minnesota Statutes 2016, section 169.011, subdivision 5, is amended to read:

1.19 Subd. 5. **Bicycle lane.** "Bicycle lane" means a portion of a roadway ~~or shoulder~~ designed
1.20 for exclusive or preferential use by persons using bicycles. Bicycle lanes are to be
1.21 distinguished from the portion of the roadway ~~or shoulder~~ used for motor vehicle traffic by
1.22 physical barrier, striping, marking, or other similar device.

2.1 Sec. 3. Minnesota Statutes 2016, section 169.011, subdivision 9, is amended to read:

2.2 Subd. 9. **Bikeway.** "Bikeway" means a bicycle lane, bicycle path, or bicycle route, shared
 2.3 use path, or similar bicycle facility, regardless of whether it is designed for the exclusive
 2.4 use of bicycles or ~~is to be~~ for shared use with other transportation modes.

2.5 Sec. 4. Minnesota Statutes 2016, section 169.18, subdivision 3, is amended to read:

2.6 Subd. 3. **Passing.** ~~The following rules shall govern the overtaking and passing of vehicles~~
 2.7 ~~proceeding in the same direction, subject to the limitations, exceptions, and special rules~~
 2.8 ~~hereinafter stated:~~

2.9 ~~(1)~~ (a) The driver of a vehicle overtaking another vehicle proceeding in the same direction
 2.10 ~~shall~~ must pass to the left ~~thereof of the other vehicle~~ at a safe distance and ~~shall not again~~
 2.11 ~~drive~~ is prohibited from returning to the right side of the roadway until safely clear of the
 2.12 overtaken vehicle;

2.13 ~~(2)~~ (b) Except when overtaking and passing on the right is permitted, the driver of an
 2.14 overtaken vehicle ~~shall~~ must give way to the right in favor of the overtaking vehicle ~~on~~
 2.15 ~~audible warning,~~ and ~~shall~~ must not increase the speed of the overtaken vehicle until
 2.16 completely passed by the overtaking vehicle; ~~and.~~

2.17 ~~(3)~~ (c) The operator of a motor vehicle overtaking a bicycle or individual proceeding in
 2.18 the same direction on the roadway ~~shall~~ or shoulder must:

2.19 (1) ~~leave~~ either (i) provide a safe clearance distance, but in no case less than three feet
 2.20 ~~clearance, when passing the bicycle or individual~~ or one-half the width of the motor vehicle,
 2.21 whichever is greater; or (ii) completely enter another lane of the roadway; and shall

2.22 (2) maintain clearance until the motor vehicle has safely past passed the overtaken bicycle
 2.23 or individual.

2.24 Sec. 5. Minnesota Statutes 2016, section 169.222, subdivision 1, is amended to read:

2.25 Subdivision 1. **Traffic laws apply.** (a) Every person operating a bicycle ~~shall have~~ has
 2.26 all of the rights and duties applicable to the driver of any other vehicle by this chapter,
 2.27 except in respect to those provisions in this chapter relating expressly to bicycles and in
 2.28 respect to those provisions of this chapter which by their nature cannot reasonably be applied
 2.29 to bicycles. This subdivision applies to a bicycle operating on the shoulder of a roadway.

3.1 (b) A person lawfully operating a bicycle (1) on a sidewalk, or (2) across a roadway or
 3.2 shoulder on a crosswalk, has all the rights and duties applicable to a pedestrian under the
 3.3 same circumstances.

3.4 Sec. 6. Minnesota Statutes 2016, section 169.222, subdivision 4, is amended to read:

3.5 Subd. 4. **Riding rules.** (a) Every person operating a bicycle ~~upon a roadway shall~~ on a
 3.6 road must ride as close as practicable to the right-hand curb or edge of the roadway except
 3.7 under any of the following situations road as the bicycle operator determines is safe. A
 3.8 person operating a bicycle is not required to ride as close to the right-hand curb when:

3.9 (1) ~~when~~ overtaking and passing another vehicle proceeding in the same direction;

3.10 (2) ~~when~~ preparing for a left turn at an intersection or into a private road or driveway;

3.11 (3) ~~when~~ reasonably necessary to avoid conditions that make it unsafe to continue along
 3.12 the right-hand curb or edge, including fixed or moving objects, vehicles, pedestrians, animals,
 3.13 surface hazards, or narrow width lanes, that make it unsafe to continue along the right-hand
 3.14 curb or edge; or

3.15 (4) ~~when~~ operating on the shoulder of a roadway or in a bicycle lane; or

3.16 (5) stopping in a dedicated right-hand turn lane prior to crossing an intersection.

3.17 (b) If a bicycle is traveling on a shoulder of a roadway, the bicycle ~~shall~~ operator must
 3.18 travel in the same direction as adjacent vehicular traffic.

3.19 (c) Persons riding bicycles upon a roadway or shoulder shall not ride more than two
 3.20 abreast and shall not impede the normal and reasonable movement of traffic and, on a laned
 3.21 roadway, shall ride within a single lane.

3.22 (d) A person operating a bicycle upon a sidewalk, or across a roadway or shoulder on a
 3.23 crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal
 3.24 when necessary before overtaking and passing any pedestrian. No person shall ride a bicycle
 3.25 upon a sidewalk within a business district unless permitted by local authorities. Local
 3.26 authorities may prohibit the operation of bicycles on any sidewalk or crosswalk under their
 3.27 jurisdiction.

3.28 (e) An individual operating a bicycle or other vehicle on a bikeway shall leave a safe
 3.29 distance when overtaking a bicycle or individual proceeding in the same direction on the
 3.30 bikeway, and shall maintain clearance until safely past the overtaken bicycle or individual.

4.1 (f) ~~A person lawfully operating a bicycle on a sidewalk, or across a roadway or shoulder~~
 4.2 ~~on a crosswalk, shall have all the rights and duties applicable to a pedestrian under the same~~
 4.3 ~~circumstances.~~

4.4 (g) A person may operate an electric-assisted bicycle on the shoulder of a roadway, on
 4.5 a bikeway, or on a bicycle trail if not otherwise prohibited under section 85.015, subdivision
 4.6 1d; 85.018, subdivision 2, paragraph (d); or 160.263, subdivision 2, paragraph (b), as
 4.7 applicable.

4.8 (g) Notwithstanding section 169.06, subdivision 4, a bicycle operator may cross an
 4.9 intersection proceeding from a dedicated right-hand turn lane without turning right.

4.10 Sec. 7. REVISOR'S INSTRUCTION.

4.11 The revisor of statutes shall renumber Minnesota Statutes, section 160.02, subdivision
 4.12 27a, as Minnesota Statutes, section 169.011, subdivision 73a. The revisor shall correct any
 4.13 cross-references made necessary by this renumbering.

4.14 **ARTICLE 2**

4.15 **BIKEWAY DEVELOPMENT**

4.16 Section 1. Minnesota Statutes 2017 Supplement, section 160.262, subdivision 1, is amended
 4.17 to read:

4.18 Subdivision 1. **Bikeways; powers and duties; design guidelines.** (a) The legislature
 4.19 determines that it is in the interests of the public health, safety and welfare, to provide for
 4.20 the addition of bikeways to proposed and existing public highways. The commissioner of
 4.21 transportation is authorized to (1) plan, design, establish, and maintain bikeways on the
 4.22 right-of-way of any trunk highway. The commissioner is responsible for the design and
 4.23 construction of all bikeway projects within the right-of-way of any trunk highway, and (2)
 4.24 identify, plan, design, and assist in development of bikeways throughout the state.

4.25 (b) The commissioner must consider the development of bikeways during the planning,
 4.26 design, construction, reconstruction, or improvement of any trunk highway, or allow the
 4.27 establishment of such bikeways within trunk highway right-of-way.

4.28 ~~(b)~~ (c) The commissioner must maintain bikeway design guidelines consistent with the
 4.29 state transportation goals in section 174.01.

4.30 ~~(c)~~ (d) The commissioner must compile and maintain a map of bikeways in the state and
 4.31 must publish and distribute the map's information at least once every two years in a form
 4.32 and manner suitable to assist persons wishing to use the bikeways.

5.1 ~~(d)~~ (e) The commissioner is responsible to design and construct all bikeway projects
5.2 within the right-of-way of any trunk highway. The commissioner must maintain bikeways
5.3 within the limits of trunk highway right-of-way unless a written agreement or limited use
5.4 permit provides otherwise.

5.5 Sec. 2. Minnesota Statutes 2017 Supplement, section 160.262, subdivision 3, is amended
5.6 to read:

5.7 Subd. 3. **Cooperation among agencies and governments.** (a) The commissioner must
5.8 cooperate with road and trail authorities, including the commissioner of natural resources,
5.9 to identify, plan, design, and assist in development of bikeways throughout the state.

5.10 (b) The departments and agencies on the nonmotorized transportation advisory committee
5.11 identified in section 174.37 must provide information and advice for the bikeway design
5.12 guidelines maintained by the commissioner of transportation.

5.13 (c) The commissioner may cooperate with and enter into agreements with the United
5.14 States government, any department of the state of Minnesota, any unit of local government,
5.15 any tribal government, or any public or private corporation in order to effect the purposes
5.16 of this section.

5.17 Sec. 3. Minnesota Statutes 2017 Supplement, section 160.266, subdivision 3, is amended
5.18 to read:

5.19 Subd. 3. **Connections with other bikeways.** (a) The commissioner, in cooperation with
5.20 road and trail authorities including the commissioner of natural resources, must:

5.21 (1) identify existing bikeways of regional significance that are in reasonable proximity
5.22 but not connected to the state bicycle routes established under this section; and

5.23 (2) support development of linkages (i) between state bicycle routes and bikeways under
5.24 the jurisdiction of other road and trail authorities, and (ii) among state bicycle routes
5.25 established under this section.

5.26 (b) The requirements of this subdivision are a secondary priority for use of funds available
5.27 under this section following establishment and enhancement of state bicycle routes under
5.28 this section.

6.1 Sec. 4. Minnesota Statutes 2017 Supplement, section 160.266, subdivision 5, is amended
6.2 to read:

6.3 Subd. 5. **Funding.** Shared use paths included within state bicycle routes and not
6.4 administered by the commissioner of natural resources are eligible for funding from the
6.5 environment and natural resources trust fund under chapter 116P, from the parks and trails
6.6 grant program under section 85.535, from the local recreation grants program under section
6.7 85.019, subdivision 4b, from the active transportation program under section 174.38, and
6.8 from other sources.

6.9 Sec. 5. Minnesota Statutes 2017 Supplement, section 174.38, subdivision 5, is amended
6.10 to read:

6.11 Subd. 5. **Eligibility.** Eligible recipients of financial assistance under this section are:

6.12 (1) a political subdivision; ~~and~~

6.13 (2) a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code, as
6.14 amended; and

6.15 (3) the state.

APPENDIX
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